IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

FRIDAY, THE 19TH JANUARY 2007 / 29TH PAUSHA 1928

WP(C).No. 30180 of 2005(P)

PETITIONER:

K.K.AJISH, S/O.KORUKUTTY,
KARAPILLY HOUSE, MANAKULANGARA P.O.,
KODAKARA, THRISSUR DISTRICT.

BY ADV. SRI.K.VINOD CHANDRAN

RESPONDENTS:
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1. **KERALA TODDY WORKERS WELFARE FUND BOARD,**
   THIRUVANANTHAPURAM REP. BY ITS SECRETARY.

2. **THE WELFARE FUND INSPECTOR,**
   KERALA TODDY WORKERS WELFARE FUND BOARD,
   THRISSUR.

3. **THE DISTRICT LABOUR OFFICER,**
   THRISSUR.

4. **A.C.SREEDHARAN, ANALI PARAMBIL,**
   CHEMBUCHIRA P.O., THRISUR DISTRICT.

5. **STATE OF KERALA, REPRESENTED BY**
   SECRETARY, LABOUR & REHABILITATION (S)
   DEPARTMENT.

BY ADV. SRI.T.N.MANOJ
SRI.K.HARILAL, S.C. KTWWFB
BY GOVERNMENT PLEADER SMT.P.K.SHAKEELA

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 19/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.BALAKRISHNAN NAIR, J.

W.P.(C) NO. 30180 OF 2005-P

JUDGMENT

The petitioner is a toddy shop employee, working under the 4th respondent. The wages drawn by him have been wrongly computed for the purpose of assessing the welfare fund dues under the Kerala Toddy Workers' Welfare Fund Act, by the assessing authority in Ext.P3 assessment order dated 30.12.2003, for the period from 20.8.2002 to 31.3.2003. The petitioner appealed. That appeal was dismissed by the Government by Ext.P5 order. Hence this Writ Petition, challenging Exts.P3 and P5.

2. The 4th respondent employer has filed a counter affidavit, in which it is admitted that the salary of the petitioner has been wrongly computed and the correct salary for the relevant period is Rs.47,030/-, as claimed by the petitioner. In view of the said submission the Writ Petition has to be allowed. Accordingly, Exts.P3 and P5 are quashed. The Executive Officer shall make a fresh assessment of the welfare fund dues payable by the 4th

respondent in relation to the petitioner within one month from the date of production of a copy of this judgment.

19th January, 2007. K.BALAKRISHNAN NAIR, JUDGE.

Nm/